

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-------------------------------------|---|---|
| In Re Application No. 10/010,587 |) | For: SYSTEM FOR PROVIDING ONLINE SERVICE REPORTS |
| Inventor: Wolfe et al. |) | |
| |) | |
| Examiner: Burgess, Barbara N. |) | Group No. 2157 |
| |) | |
| Filed: November 13, 2001 |) | |

**REPLY TO NOTICE OF NON-COMPLIANT BRIEF
MAILED BY THE EXAMINER ON OCTOBER 10, 2007**

Mail Stop Appeal Brief
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Attention: Board of Patent Appeals and Interferences

This Reply to the Notice of Non-Compliant Brief mailed by the Examiner on October 10, 2007 is hereby submitted.

Introductory Comments

On October 10, 2007 the Examiner mailed a Notice of Non-Compliant Appeal Brief ("Notice") to the Real Party in Interest in connection with Appellant's Brief filed on June 28, 2007 ("Brief").

The Notice allows the Applicant one month, or thirty days, whichever is longer, to file an amended Brief, and allows fee-based extensions of time that the Real Party in Interest has paid. This Reply therefore is timely.

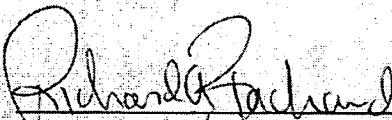
The Notice advances arguments by the Document Examiner as to why the originally filed Brief does not comply with 37 CFR §41.30 *et seq.* More specifically, the Examiner stated that the Summary portion of the Brief "doesn't correlate the mapping to each claim limitations (sic, "limitation") and refers to rather large portions of the specification."

As understood by the Real Party in Interest, the Examiner meant that the Summary, while including references to page and line numbers of the specification that complied with 37 CFR §41.37, did not include corresponding references to the drawing figures. The enclosed First Amended Appellant's Brief in Interest has corrected those omissions. In the Summary, references to the specification also have been abbreviated. In addition, parenthetical claim expressions have been deleted from the listing of claims in the Appendix. A Table of Contents has been added.

Applicant believes that submission of the First Amended Appellant's Brief is responsive to the Notice. Applicant has attempted to be fully responsive to the Notice. If, however, the examiner has any additional comments or suggestions, the undersigned would welcome a telephone call to discuss the matter.

The Commissioner is hereby authorized to charge any additional fees in connection with this paper, and to credit any overpayments, to Deposit Account Number 17,0026 of QUALCOMM Incorporated.

Respectfully submitted,

By: 

Richard A. Bachand
Reg. No. 25,107

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-4125
Facsimile: (858) 658-2502

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FIRST AMENDED APPELLANTS' BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Attention: Board of Patent Appeals and Interferences

This First Amended Appellant's Brief is submitted in response to the Notification of Non-Compliant Appeal Brief mailed by the Document Examiner on October 10, 2007.

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REAL PARTY IN INTEREST

The real party in interest is Qualcomm Incorporated, located at 5775 Morehouse Drive, San Diego, California 92121.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

STATUS OF THE CLAIMS

Claims 1, 3-10, and 12-25 are pending in the Application.

Dependent claims 2 and 11 were cancelled from the Application during prosecution.

Claims 1, 3-10, and 12-25 have been finally rejected twice.

The claims under examination and on appeal are shown in the Claims Appendix accompanying this paper.

STATUS OF AMENDMENTS

There have been no amendments filed in the present case since the issuance of the Examiner's final action of December 21, 2006.

SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1, 10 and 19 are the independent claims.

A concise explanation of the subject matter of the independent claims is provided below:

Independent claim 1 is directed to a system of providing online service reports to user subscribers using wireless communications. The system includes a service hub 102 (Application, paragraph [0044], page 8, lines 23-25; and Figures 1-2). The service hub 102 includes a receiver 202 (Application, paragraph [0040], page 8, lines 1-5; and Figure 2). Receiver 202 receives access messages 118 (Application, paragraph [0032], page 6, lines 17-

21, and Figure 1). The service hub 102 also includes a decoder 212 (Application, paragraph [0040], page 8, lines 23-25; paragraph [0047], lines 5-12; and Figure 2). Decoder 212 decodes service information from operational messages 116 (Application, paragraph [0034], page 6, lines 30-33; and Figure 1. The operational messages 116 include macro messages (paragraph 0047, page 9, lines 9-11). The macro messages are defined according to one or more service providers (Application, paragraph [0025], page 5, lines 2-6, and Figure 2]. Each macro message may have different meanings among the service providers (Application, paragraph [0072], page 12, lines 33-38). The system of providing online service reports to user subscribers using wireless communications also includes a network server 106 (Application, paragraph [0075], page 13, lines 7-11; and Figures 1 and 3). Network server 106 provides selected service information based on access rights defined in the access messages 118 and by access macro codes included in the access messages 118 (Application, paragraph [0030], page 6, lines 12-29; paragraph [0041], page 8, lines 6-10; and Figures 1 and 6.

Independent claim 10 is directed to a service hub 102 (Application, paragraph [041], page 8, lines 1-4; and Figures 1, 2 and 8). Service hub 102 provides service reports from a service provider (Application, paragraph [0025], page 5, lines 2-9; paragraph [0082], page 14, lines 4-8; and Figures 2 and 8). The service reports are provided using a wireless communications network 108 (Application, paragraph [0028], page 5, lines 33-36; and Figures 1 and 8. The service hub 102 includes a processor 208 (Application, page 8, paragraph [0040], lines 1-5; and Figure 2). The processor 208 receives access messages (Application, paragraph [0041], page 8, lines 6-10, and Figure 2). The processor 208 also includes logic to exchange operational messages comprising macro messages (Application, paragraph [0025], page 5, lines 2-6; and paragraph [0047], page 9, lines 9-11). Each macro message may have different meanings among the one or more service providers. A decoder 212 is provided (Application, paragraph [0040], page 8, lines 23-25; paragraph [0047], lines 5-12; and Figure 2). The decoder 212 is for decoding operational messages. A server interface 214 also is provided to transmit selected service information (Application paragraph [0051], page 9, lines 29-37) based on the access message 118 (Application, paragraph [0032], page 6, lines 17-21; and Figure 1) as defined by the one or more access macro codes

comprising the access message (118 (Application, paragraph [0032], page 6, lines 17-21; paragraph [0075], page 13, lines 7-11; and Figure 1).

Independent claim 19 is directed to a method for providing online services reports. The method includes the steps of determining access rights defined in access messages 118 and by access macro codes included in the access messages 118 (Application, paragraph [0030], page 6, lines 12-29; paragraph [0041], page 8, lines 6-10; and Figures 1 and 6. The access rights are associated with service information from operational messages 116 (Application, paragraph [0034], page 6, lines 30-33; and Figure 1. The operational messages 116 are from user subscribers (Application, paragraph [0058], page 10, lines 31-36; and Figures 1 and 8). The operational messages 116 exchange at least one operational message between the service provider (Application, paragraph [0082], lines 4-10; and reference characters 802 and 804 on Figure 8) and the service administrator (Application, paragraph 0059, page 10, lines 37-40; and Figures 1 and 8). The operational message includes a macro message (paragraph 0047, page 9, lines 9-11). Macro messages are defined according to one or more service providers (Application, paragraph [0025], page 5, lines 2-6; and Figure 2). The macro messages are defined according to the one or more service providers (Application, paragraph [0082], lines 4-10; and reference characters 802 and 804 on Figure 8). Each macro message is capable of different meanings among the one or more service providers (Application, paragraph [0072], page 12, lines 33-38); and paragraph [0075], page 13, lines 7-11).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1, 3-4, 6-10, 12-13 and 15-25 stand rejected under 35 U.S.C. § 103, as being unpatentable over Marshall (US 2001/00313656 A1) in view of Williams (US 2002/0032612 A1).

2. Claims 5 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Marshall in view of Kaplan (US patent No. 6,829,234 B1).

ARGUMENTS

A. Rejections under 35 U.S.C. § 103, as being unpatentable over Marshall (US 2001/00313656 A1) in view of Williams (US 2002/0032612 A1).

The rejection of claims 1, 3-4, 6-10, 12-13 and 15-25 under 35 U.S.C. § 103(a), as being unpatentable over Marshall (US2001/00313656 A1) in view of Williams (US 2002/0032612 A1 is respectfully traversed. As admitted in the Office Action dated 12/21/2006 (at page 4), "Marshall does not explicitly disclose wherein macro messages are defined according to the one or more service providers, the same macro messages being capable of different meaning among the one or more service providers." Williams is noted in this Office Action as disclosing cell entries representing a carrier where "[e]ach carrier entry is color coded with a unique color corresponding to a particular carrier." Further the Office Action states that "...a legend with color-coded symbols is displayed showing services supported by each Carrier." "Graphic symbols" representing unique colors (paragraphs 0306-0308, and 0318 are relied upon as providing a basis for making the obviousness rejection.

Granted that claim language should be given broad scope in considering whether it covers the prior art, this inquiry carries with it a requirement of reasonableness. Appellants define in claim 1, a system whereby macro messages (messages using codes in place of longer messages to reduce the cost of communication) are used between a service provider and service administrator as operational messages for directing or responding to service requests. Further, macro codes are used to define access rights for user subscribers in connection with service reporting activities carried out by a service provider. Claim 1 also provides that "the same macro messages being capable of different meaning among the one or more service providers." Note that this is a system claim pertaining to macros defining user access received by a receiver and macro messages decoded by a service hub in the context of wireless communications. There is no logical application for Williams in this and the Examiner has not espoused any reasonable basis for bringing the Williams reference to bear. All Williams provides is a color coded form (so we are told, without seeing the color) with a legend. In fact, having a form with a legend is entirely old and one not need rely upon

the 2001 filing date of Williams to make out such a fact. The Examiner is regarding this color coded form with legend in some manner as a macro. However, in order to arrive at such a conclusion and asset that it's combination in some way makes obvious combined claim limitations as recited in claim 1 necessitates that many of those limitations be totally disregarded in contravention of 35 U.S.C. § 103(a). While, as noted above, the Examiner admits that "Marshall does not explicitly disclose wherein macro messages are defined according to the one or more service providers, the same macro messages being capable of different meaning among the one or more service providers," the same can also be said of Williams. Logic dictates that two deficient references devoid of a concept don't sum to solve that deficiency. Claim 1 recites a decoder that decodes operational messages comprising macro messages and a receiver that receives access messages as defined by one or more access codes. Williams at paragraph 0301 shows a "Dynamically Dimensioned, Multi-Carrier Graphic Array online display." This provides the topic of paragraphs 0306-0308 and 0318, relied upon by the December 21, 2006 Office Action, to provide a basis in combination with Marshall for the § 103(a) rejection. However, it's very clear to see that the "Dynamically Dimensioned, Multi-Carrier Graphic Array online display" is merely a form! There are clear no decoders of operational messages comprising macro messages and no receivers of access messages as defined by one or more access codes in Williams. Whatever stretch or twist is being applied to the Marshall and Williams reference to provide the rejection, it surely has not been shared in the December 21, 2006 Office Action and it is not reasonable. Appellants respectfully request that this rejection as applied to Claim 1 be reversed since these references fail to make Claim 1 obvious under 35 U.S.C. § 103(a).

The above arguments also apply to Claims 10 and 19. Given the noted admission concerning macro messages on page 4 of the December 21, 2006 Office Action and the mere form provided by Williams, there is surely no basis for Williams to provide a "processor operable to receive an access message" wherein the access message is "defined by one or more access macro codes" as recited in Claim 10. Further, there is no basis within Williams to provide a processor including logic to "exchange operational messages comprising macro messages," with "each macro message being capable of different meanings among ...one or more service providers" also according to Claim 10. Once again the combination of Marshall with Williams fails to yield the claimed subject matter of Claim 10, nor does the

combination make Claim 10 obvious. Appellants respectfully request that this rejection as applied to Claim 10 be reversed.

With respect to Claim 19, along with the noted admission in Marshall, there is nothing in Marshall which provides, according to Claim 19, "exchanging at least one operational message between the service provider and the service administrator" wherein the operational message comprises a macro message, each macro message being capable of different meanings among the one or more service providers. Also, Williams provides no teaching pertaining to "providing selected service information to the selected user subscriber based on access rights as defined by one or more access macro codes. As with the claims above, when the teachings of Marshall are combined with the teaching (form) of Williams, Claim 19 is neither produced nor made obvious. Appellants respectfully request that this rejection as applied to Claim 19 be reversed since these references fail to make Claim 19 obvious under 35 U.S.C. § 103(a).

Claims dependent from the forgoing independent claims merely recite limitations in addition to the claims from which they depend. For this reason, the dependent claims are submitted as being patentably distinct from the cited art. Appellants respectfully request reversal of the 103 (a) rejection with respect to the depend claims.

B. Rejections under 35 U.S.C. § 103(a) as being unpatentable over Marshall in view of Kaplan (US Patent No. 6,829,234 B1).

The rejection of Claims 5 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Marshall in view of Kaplan (US Patent No. 6,829,234 B1) is respectfully traversed. As before, given that the December 21, 2006 Office Action admits the "Marshall does not explicitly disclose wherein macro messages are defined according to the one or more service providers, the same macro messages being capable of different meaning among the one ore more service providers," this rejection is not supported since this admitted deficiency is neither addressed in the December 21, 2006 Office Action nor discussed in the Kaplan reference. In fact, whatever relevance this piece or art has in the rejection, it has yet to be revealed nor does it present analogous art. Kaplan is directed to a telecommunications system. Given the admitted shortcomings in the disclosure of Marshall and that these points

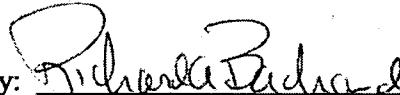
have not be addressed in Kaplan, it is noted that Claims 5 and 14 are dependent from Claims 1 and 10 respectively. Consequently, it is submitted that the rejection of claims 5 and 14 cannot stand. Appellants respectfully request reversal of the 35 U.S.C. § 103(a) rejection of Claims 5 and 14 as being unpatentable over Marshall in view of Kaplan.

CONCLUSION

In view of the foregoing, Appellants respectfully request that all presently outstanding rejections be reversed, and that all claims under appeal be allowed.

Respectfully submitted,

Dated: December 4, 2007

By: 

Richard A. Bachand

Reg. No. 25,107

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121-2779
Telephone: (858) 845-8503
Facsimile: (858) 658-2502

APPENDIX OF CLAIMS

1. System for providing online service reports to user subscribers, wherein the service reports contain service information about services rendered by one or more service providers operating, using wireless communications, at the direction of a service administrator, the system comprising:

a service hub coupled between the service administrator and the one or more service providers, the service hub including a receiver that receives access messages that define access rights for the user subscribers, the service hub also including a decoder that decodes the service information from one or more operational messages comprising macro messages to convey the service information exchanged between the service administrator and the one or more service providers, the macro messages being defined according to the one or more service providers, the same macro message being capable of a different meaning among the one or more service providers; and

a network server coupled between the service hub and the user subscribers via a communication network, the network server including logic to receive a request from a selected user subscriber, and in response, provide at least a portion of the selected service information to the selected user subscriber based on the access rights defined in the access message as defined by one or more access macro codes comprising the access messages.

3. The system of Claim 1 wherein the decoder comprises logic to decode the macro messages to determine the service information.

4. The system of Claim 1 wherein the service hub receives a control message containing definitions for the macro messages.

5. The system of Claim 1, wherein the service hub includes a memory and logic to maintain a master status table that contains the service information describing services rendered by the one or more service providers.

6. The system of Claim 1, wherein the network server includes logic to authenticate the selected user subscriber that makes the request.
7. The system of Claim 1, wherein the network server is coupled to the service hub via the communication network.
8. The system of Claim 1, wherein the service hub is coupled to multiple service administrators associated with multiple service businesses.
9. The system of Claim 1, wherein the operational messages include access rights for the user subscribers.
10. A service hub that is operable to provide online service reports to user subscribers, wherein the service reports contain service information about services rendered by a service provider operating, using wireless communications, at the direction of a service administrator, the service hub comprising:
 - a processor operable to receive an access message that associates the service information with the user subscribers, the processor also includes logic to exchange operational messages, comprising macro messages to convey the service information, between the service provider and the service administrator, the macro messages being defined according to the one or more service providers, each macro message being capable of different meanings among the one or more service providers;
 - a decoder coupled to the processor and operable to decode the operational messages to extract the service information; and
 - a server interface operable to receive a request for service information from the user subscriber and provide selected service information to the user subscriber based on the access message as defined by one or more access macro codes comprising the access message.
12. The service hub of Claim 10, wherein the decoder includes logic to decode the macro messages to determine the service information.

13. The service hub of Claim 10, wherein the service hub receives a control message containing definitions for the macro messages.

14. The service hub of Claim 10, wherein the service hub includes a memory and logic to maintain a master status table that contains the service information describing services rendered by the one or more service providers.

15. The service hub of Claim 10, wherein the processor further includes logic to authenticate the selected user subscriber that makes the request.

16. The service hub of Claim 10, wherein the network server is coupled to the service hub via the communication network.

17. The service hub of Claim 10, wherein the service hub is couples to multiple service administrators associated with multiple service businesses.

18. The service hub of Claim 10, wherein the operational messages include access rights for the user subscribers.

19. A method for providing online service reports to user subscribers, wherein the service reports contain service information about services rendered by a service provider and coordinated, using wireless communications, by a service administrator, the method comprising steps of:

determining access rights that associate the service information with the user subscribers;

exchanging at least one operational message between the service provider and the service administrator, the at least one operational message comprising a macro message, the macro messages being defined according to the one or more service providers, each macro message being capable of different meanings among the one or more service providers;

decoding the operational message to extract the service information;

- receiving a request from a selected user subscriber; and
providing selected service information to the selected user subscriber, wherein the selected service information is derived from the service information based on the access rights as defined by one or more access macros, codes comprising an access message.
20. The method of Claim 19, wherein the step of determining is a step of determining the access rights from an access message received at the service hub.
21. The method of Claim 19, wherein the step of determining is a step of determining the access rights from the at least one operational message.
22. The method of Claim 19, wherein the step of decoding is a step of decoding one or more macro messages that represent the service information.
23. The method of Claim 19, wherein the step of receiving a request further includes a step of authenticating the request.
24. The method of Claim 19, wherein the step of receiving is a step of a request from a selected user subscriber via a communication network.
25. The method of Claim 19, wherein the step of providing is a step of providing selected service information to a user subscriber when a trigger event occurs, wherein the selected service information is derived from the service information based on the access rights.

EVIDENCE APPENDIX

None.

No evidence has been submitted under 37 CFR 1.130, 1.131, or 1.132 and no other evidence has been entered by the examiner and relied upon by Appellants in the appeal.

RELATED PROCEEDINGS APPENDIX.

None.

There are no copies of decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences since there are no decisions listed in this section and no Related Appeals and Interferences.

OTHER

None.

There is no other information in support of the above items.